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09/930,496	08/16/2001	Curtis Gencrous	25622.011100CIP	1584

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EXAMINER

ALAM, UZMA

ART UNIT	PAPER NUMBER
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2157

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/930,496

Applicant(s)

GENEROUS ET AL.

Examiner

Uzma Alam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-11, 13-27, 29-32, 49-64, 66-100, 102-110, 112-117, 124-127 and 131 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1-3,5,6,8-11,13-27,29-32,49-64,66-100,102-110,112-117,124-127 and 131.

DETAILED ACTION

1. This action is responsive to the election of claims filed on January 13, 2006. Claims 1-129 are pending. Claims 1-32 and 124 are elected. Claims 33-48, 118-123, and 128-130 are withdrawn from consideration. Claims 4, 7, 12, 28, 65, 101 and 11 have been cancelled. Claims 1, 17, 49, 70, 90, 105 and 125-127 have been amended. Claims 1-3, 5, 6, 8-11, 13-27, 29-32, 49-64, 66-100, 102-110, 112-117, 124-127 and 131 are pending. Claims 1-3, 5, 6, 8-11, 13-27, 29-32, 49-64, 66-100, 102-110, 112-117, 124-127 and 131 represent a method for delivering messages over multiple communication mediums.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, 8-11, 13-27, 29-32, 49-64, 66-100, 102-110, 112-117, 124-127 and 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. US Patent No. 6,463,462 in view of Sahlqvist US Patent No. 6,760,766. Smith teaches the invention as claimed including method and system for delivering messages (see abstract).

Smith and Sahlqvist teach

4. As per claim 1, Smith teaches a system for delivery of a message to a subscriber over multiple communications channels comprising:

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means for accepting the message from a sender (client sending a request to a server; column 4, lines 1-30);

means for determining a sequence of a primary and at least one secondary communications channels for delivery of the message based on a subscriber profile (based on a profile, server sending the message to various recipient locations; column 4, lines 1-30); and

means for delivery of the message over the primary communication channel (message sent to recipient server waits for an acknowledgement; column 4, lines 36-44; column 4, lines 58-63).

Smith does not teach means for detecting one of a plurality of conditions indicative of non-receipt of the message via the primary channel; and

Upon receipt of one of the plurality of conditions indicative of non-receipt, means for delivery of the message over the at least one secondary communication channel.

Sahlqvist teaches means for detecting one of a plurality of conditions indicative of non-receipt of the message via the primary channel (column 3, lines 33-50); and

Upon receipt of one of the plurality of conditions indicative of non-receipt, means for delivery of the message over the at least one secondary communication channel (column 3, lines 51-65).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the message sending of Smith with the sending on a secondary communication channel until acknowledgment of Sahlqvist. A person of ordinary skill in the art would have been motivated to do this to respond to external triggers and quickly confirm message status (Smith column 4, lines 36-67).

5. As per claim 49, Smith teaches a system for delivery of a message to a subscriber comprising:

means for accepting the message from a sender (Smith column 4, lines 15-24);

means for adding an expiration time to the message for delivery of the message (Smith column 2, lines 36-41; column 6, lines 31-40); and

means for delivery of the message to the subscriber prior to the expiration time (Smith column 2, lines 36-41; column 6, lines 31-40);

means for receiving acknowledgement of message receipt by the subscriber (Smith message sent to recipient server waits for an acknowledgement; column 4, lines 36-44; column 4, lines 58-63).

Smith does not teach at the sender, means for determining a sequence of communication channels for delivery of the message based on a subscriber profile and delivering the message via one or more of the sequenced communications channel.

Sahlqvist teaches at the sender, means for determining a sequence of communication channels for delivery of the message based on a subscriber profile and delivering the message via one or more of the sequenced communications channel (column 3, lines 5-65).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the message sending of Smith with the sending on a secondary communication channel until acknowledgment of Sahlqvist. A person of ordinary skill in the art would have been motivated to do this to respond to external triggers and quickly confirm message status (Smith column 4, lines 36-67).

6. As per claims 2 and 50, Smith and Sahlqvist teach teaches the system of claims 1 and 49, wherein the message includes at least one of an email, an Instant Message, a video, a fax, a page and a voice message (Smith column 4, lines 36-56; column 8, lines 51-58).

7. As per claims 3 and 52, Smith and Sahlqvist teach teaches the system of claims 1 and 49, wherein the communications channels are tried sequentially until delivery of the message is acknowledged (Smith column 2, lines 28-35; column 4, lines 64-67).

8. As per claims 5, 51 and 54, Smith and Sahlqvist teach the system of claims 1 and 49, wherein the communications channels include at least one of Instant Messenger, cellular telephone, telephone land line, email, fax, pager and voice message (Smith column 6, lines 1-39; column 8, lines 51-58).

9. As per claims 6 and 55, Smith and Sahlqvist teach teaches the system of claims 1 and 49 wherein the acknowledgement includes positive acknowledgement (Smith column 7, lines 10-32; column 11, lines 8-16).

10. As per claims 8 and 56, Smith and Sahlqvist teach teaches he system of claims 1 and 49, wherein the message is converted to a form suitable to the communications channel being used (Smith column 6, lines 11-60; column 8, lines 2-59).

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11. As per claims 9 and 57, Smith and Sahlqvist teach the system of claims 1 and 49, wherein the message is converted from character-based to sound-based for delivery to a voice message (Smith column 1, lines 48-65; column 11, lines 29-42).

12. As per claims 13, 66 Smith and Sahlqvist teach the system of claims 1 and 49, further including means for monitoring functioning of networks, wherein communication channel selection for the delivery of the message is based on the monitoring (Smith column 7, lines 9-33; column 11, lines 43-67).

13. As per claims 14 and 67, Smith and Sahlqvist teach the system of claims 1 and 49, wherein the means for delivery monitors at least one of the following message delivery status indicators in order to select an optimal communication channel for the delivery of the message: Received for assembly, Assembled, Not Assembled, Reason Not Assembled, Sent via DA/Delivered, Sent via DA/Queued, Sent via DA/Rejected, and Sent to Assembled Message data store (Smith column 4, lines 15-24, lines 64-67; column 11, lines 4-67).

14. As per claims 15 and 68, Smith and Sahlqvist teach the system of claims 1 and 49, wherein the message is delivered based on at least one of subscriber geographical information, subscriber ZIP code, subscriber City, subscriber State, subscriber Country, and subscriber Phone number Area Code, subscriber Time zone data, and subscriber Latitude/Longitude data (Smith column 4, lines 36-56; column 6, lines 24-40).

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15. As per claims 16 and 69, Smith and Sahlqvist teach the system of claims 1 and 49, further including at least one of the following capabilities: Time Lapse, the message must be read within a certain time, and the message be read from a specific device (Smith column 4, lines 36-57; column 5, lines 22-29; column 6, lines 1-30; column 7, lines 10-31).

16. As per claim 90, Smith teaches the system for delivery of a message to a subscriber over multiple communications channels comprising:

means for accepting the message from a sender (Smith client sending a request to a server; column 4, lines 1-30);

means for adding a channel-dependent tracking ID to the message (Smith column 6, lines 46-67;

means for determining a sequence of the communications channels for delivery of the message based on a subscriber profile (Smith based on a profile, server sending the message to various recipient locations; column 4, lines 1-30); and

means for delivery of the message over at least one of the communications channels (Smith message sent to recipient server waits for an acknowledgement; column 4, lines 36-44; column 4, lines 58-63).

Smith does not teach the message including an instruction for delivery of the message over the multiple communications channels.

Sahlqvist teaches the message including an instruction for delivery of the message over the multiple communications channel (column 3, lines 51-65).

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It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the message sending of Smith with the sending on a secondary communication channel until acknowledgment of Sahlqvist. A person of ordinary skill in the art would have been motivated to do this to respond to external triggers and quickly confirm message status (Smith column 4, lines 36-67).

17. As per claim 91, Smith and Sahlqvist teach the system of claim 90, wherein the message includes at least one of an email, an Instant Message, a video, a fax, a page and a voice message (column 4, lines 36-57; column 8, lines 51-59)

18. As per claim 92, Smith and Sahlqvist teach the system of claim 90, wherein the communications channels are tried sequentially until delivery of the message is acknowledged (column 2, lines 29-35; column 4, lines 64-67).

19. As per claim 93, Smith and Sahlqvist teach the system of claim 90, wherein the message is sent out simultaneously over all communications channels designated by the subscriber in a subscriber profile (column 6, lines 1-39).

20. As per claim 94, Smith and Sahlqvist teach the system of claim 90, wherein the communications channels include at least one of Instant Messenger, cellular telephone, telephone land line, email, fax, pager and voice message (column 6, lines 1-39; column 8, lines 51-59).

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21. As per claim 95, Smith and Sahlqvist teach the system of claim 90, further including means for acknowledgement of message receipt by the subscriber (column 7, lines 10-31; column 11, lines 8-16).

22. As per claim 102, Smith and Sahlqvist teach the system of claim 90, further including means for monitoring functioning of networks, wherein communication channel selection for the delivery of the message is based on the monitoring (column 7, lines 10-31; column 11, lines 43-67).

23. As per claim 131, Smith teaches system of claim 1. Smith does not teach wherein the plurality of conditions indicative of non-receipt of the message are selected from a group consisting of notification of failure of delivery of the message, and expiration of a predetermined period of time from sending the message without receiving acknowledgement of receipt of the message.

Sahlqvist teaches means for detecting one of a plurality of conditions indicative of non-receipt of the message via the primary channel (column 3, lines 33-50); and

Upon receipt of one of the plurality of conditions indicative of non-receipt, means for delivery of the message over the at least one secondary communication channel (column 3, lines 51-65).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the message sending of Smith with the sending on a secondary communication channel until acknowledgment of Sahlqvist. A person of ordinary skill in the art

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would have been motivated to do this to respond to external triggers and quickly confirm message status (Smith column 4, lines 36-67).

24. Claims 17-25, 29-32, and 124 are rejected with the same rationale as claims 1-9 and 12-16.

25. Claims 70-78 and 86-89, 125 and 126 are rejected with the same rationale as claims 49-57 and 65-69.

26. Claims 104-109 and 112 and 127 are rejected with the same rationale as claims 90-68 and 102.

27. Claims 10, 11, 26, 27 58-64, 79-85, 96-100, 103, 110 and 113-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. US Patent No. 6,463,462 in view of Sahlqvist US Patent No. 6,760,766 and in further view of Malkin et al. US Patent No. 6,643,684. Malkin teaches the invention as claimed including an email system having time parameters (see abstract).

28. As per claims 10 and 58, Smith and Sahlqvist the system of claims 1 and 49. Smith and Sahlqvist do not teach wherein the message includes a tag. Malkin teaches wherein the message includes a tag. See column 9, lines 3-21. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the message header of Smith and Sahlqvist with the tag of Malkin. A person of ordinary skill in the art would have been motivated to do this to be easily able to convert between formats.

29. As per claims 11 and 59, Smith and Sahlqvist and Malkin teach the system of claims 10 and 49, Smith and Sahlqvist do not teach wherein the tag includes a message delivery expiration time. Malkin teaches the tag include a message delivery expiration time. See column 2, lines 63-67, column 7, lines 1-10. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the message header of Smith and Sahlqvist with the tag of Malkin. A person of ordinary skill in the art would have been motivated to do this to be easily able to convert between formats.

30. Claims 26 and 27 are rejected with the same rationale as claims 10 and 11.

31. As per claims 60-64, Smith and Sahlqvist and Malkin teach the system of claim 58. Smith and Sahlqvist do not teach wherein the tag includes globally unique tracking key identifier, a globally unique message identifier, versioning information, security checksum, and wherein the tag is dependant on a communication channel chosen for delivery of the message. Malkin teaches wherein the tag includes globally unique tracking key identifier, a globally unique message identifier, versioning information, security checksum, and wherein the tag is dependant on a communication channel chosen for delivery of the message. See column 2, lines 63-67, column 7, lines 1-10, column 9, lines 3-21.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the information in the tags of Malkin with the header of the message of Smith and Sahlqvist. A person of ordinary skill in the art would have been motivated to do this

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to easily convert a message between formats and to consolidate messages based on the information (Smith, column 5, lines 60-67).

32. Claims 79-85 are rejected with the same rationale as claims 58-64.

33. As per claim 96-100, Smith and Sahlqvist and Malkin teach the system of claim 90. Smith and Sahlqvist do not teach wherein the tracking ID includes expiration time, globally unique tracking key identifier, a globally unique message identifier, versioning information, security checksum, and wherein the tracking ID is encoded. Malkin teaches wherein the tracking ID includes globally unique tracking key identifier, a globally unique message identifier, versioning information, security checksum, and wherein the tag is dependant on a communication channel chosen for delivery of the message. See column 2, lines 63-67, column 7, lines 1-10, column 9, lines 3-21.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the information in the tags of Malkin with the header of the message of Smith and Sahlqvist. A person of ordinary skill in the art would have been motivated to do this to easily convert a message between formats and to consolidate messages based on the information (Smith, column 5, lines 60-67).

34. Claims 110, 113-117 are rejected with the same rationale as claims 96-100 and 103.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5, 6, 8-11, 13-27, 29-32, 49-64, 66-100, 102-110, 112-117, 124-127 and 131 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Tuesday 5:30 AM - 2:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam
UA
January 22, 2007


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